

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:19-CR-82-D

UNITED STATES OF AMERICA,)
)
)
)
v.) ORDER
)
DARYL LEE GODETTE,)
)
Defendant.)

On June 30, 2021, a jury convicted Daryl Lee Godette (“Godette” or “defendant”) of all counts of a six-count indictment [D.E. 143]. At the close of the government’s case in chief, Godette moved for a judgment of acquittal under Federal Rule of Criminal Procedure 29. The court denied the motion. On July 1, 2021, Godette renewed his motion for a judgment of acquittal [D.E. 145]. On July 14, 2021, the government responded in opposition [D.E. 153, 154].

Under Rule 29(c), “[i]f the jury has returned a guilty verdict, the court may set aside the verdict and enter an acquittal.” Fed. R. Crim. P. 29(c)(2). The court has considered the government’s evidence under the governing standard. See, e.g., United States v. Ath, 951 F.3d 179, 185 (4th Cir. 2020); United States v. Cowden, 882 F.3d 464, 473–74 (4th Cir. 2018); United States v. Penniegraft, 641 F.3d 566, 571–72 (4th Cir. 2011); United States v. Beidler, 110 F.3d 1064, 1067 (4th Cir. 2010). Construing the evidence in the light most favorable to the government, the court agrees with the government’s persuasive response and concludes a reasonable factfinder “could view the evidence as establishing the defendant’s guilt [on each count] beyond a reasonable doubt.” Cowden, 882 F.3d at 474 (quotation omitted); see United States v. Alerre, 430 F.3d 681, 693 (4th Cir. 2005). Thus, the court DENIES defendant’s motion for judgment of acquittal [D.E. 145].

SO ORDERED. This 13 day of December, 2021.

J. Dever
JAMES C. DEVER III
United States District Judge